

FILED
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
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LAUREN FLORO,
Plaintiff,

U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

DOCKET NO: 05CV10048-REK

METABOLIFE INTERNATIONAL, INC.,
WALGREEN CO., AND WALGREEN
EASTERN CO., INC.,
Defendants.

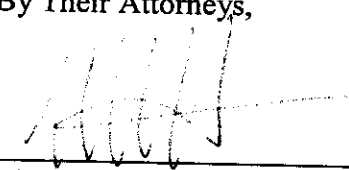
OPPOSITION OF DEFENDANTS TO PLAINTIFF'S REQUEST FOR ENTRY OF
DEFAULT, AND DEFENDANTS' MOTION FOR LEAVE TO ALLOW DEFENDANTS TO
SERVE ANSWERS LATE

NOW COME the Defendants, Metabolife International, Inc., Walgreen Eastern Co., and Walgreen Co., and, pursuant to Fed. R. Civ. P. 55(c) and Local Rule 7.1, hereby oppose the Plaintiffs' Request for Entry of Default and further move for leave to serve answers to the Plaintiff's Amended Complaint late. As grounds therefore, the Defendants state that good cause exists for this relief, because the defendants have meritorious defenses which justice requires be presented to a jury; the Defendants have prepared Answers to the Plaintiffs' Amended Complaint (copies of which are being served herewith); the delay in filing of the Answers was the result of a misunderstanding between counsel for the parties about the length of the extension that the Plaintiff's counsel had granted; the granting of this relief, including the proposed extended date for response, January 31, 2005, will not result in the continuance of any hearing, conference, or trial, and will not unfairly prejudice the Plaintiff. The grounds for this Opposition and Motion are more particularly set forth in the accompanying memorandum and affidavit.

WHEREFORE, for all of the reasons set forth herein and in the accompanying memorandum and affidavit, the Defendants, Metabolife International, Inc., Walgreen Eastern Co., and Walgreen Co., respectfully request that the Court deny the Plaintiffs' Request for Entry of Default and grant the Defendants leave to serve answers to the Plaintiff's Amended Complaint late.

Respectfully Submitted,

METABOLIFE INTERNATIONAL, INC.,
WALGREEN CO. &
WALGREEN EASTERN CO.,
Defendants,
By Their Attorneys,



Nicholas P. Alexander, Esq. (BBO# 544173)
Michael J. Racette, Esq. (BBO No. 555350)
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500